

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Kazuwa NAKAO et al.

Application No.: 10/594,763

Confirmation No.: 6725

Filed: September 29, 2006

Art Unit: 1646

For: COMPOSITION FOR INCREASING BODY  
HEIGHT

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Examiner: Not Yet Assigned

**LETTER - RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant is in receipt of the USPTO Notification of Missing Requirements dated September 4, 2007. However, Applicant wishes to advise the United States Patent and Trademark Office that a Declaration was filed on September 29, 2006, with the new application papers.

The filing requirements were perfected prior to the receipt of the Notification of Missing Requirements (371 Formalities Letter), a copy of which is attached hereto.

As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the Declaration and Power of Attorney, filed September 29, 2006, and a copy of the postcard indicating receipt of the Declaration by the U.S.P.T.O.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for

any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

Respectfully submitted,

By

  
Gerald M. Murphy, Jr.

Registration No.: 28,977

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Attorney for Applicant

Attachments: Copy of 371 Formalities Letter  
Copy of Postcard Receipt  
Copy of Declaration and Power of Attorney



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1000  
Alexandria, Virginia 22313-1000  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/594,763	FIRST NAMED APPLICANT Kazuwa Nakao	AUTO. DOCKET NO. 1254-0327PUS1
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INTERNATIONAL APPLICATION NO.
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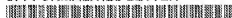
PCT/JP05/06837

I.A. FILING DATE 03/31/2005	PRIORITY DATE 03/31/2004
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2292  
BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 6725

371 FORMALITIES LETTER



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*Open KH*  
**DOCKETED**  
*perfect*  
*11/04/07*

Date Mailed: 09/04/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/29/2006
- English Translation of the IA filed on 09/29/2006
- Copy of the International Search Report filed on 09/29/2006
- Preliminary Amendments filed on 06/07/2007
- Information Disclosure Statements filed on 09/29/2006
- Biochemical Sequence Diskette filed on 06/07/2007
- Biochemical Sequence Listing filed on 06/07/2007
- Request for Immediate Examination filed on 09/29/2006
- U.S. Basic National Fees filed on 09/29/2006
- Assignment filed on 09/29/2006
- Priority Documents filed on 09/29/2006
- Specification filed on 09/29/2006
- Claims filed on 09/29/2006
- Abstracts filed on 09/29/2006
- Drawings filed on 09/29/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/594,763	PCT/JP05/06837	1254-0327PUS1